IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.2384 OF 1996

Manubhai V.Shah. ..Petitioner.
Vs.
State of Maharashtra. ..Respondent.

Mr.N.H.Shukla for the Petitioner.
Mr.C.R.Sonawane, AGP. for the Respondent Nos.1 and 2.
Mr.R.S.Apte for the Respondent Nos.3 and 4.
Ms. Snehal Yadav for the Respondent No.5.

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : 28th March, 2007

P.C.

1. Heard both sides.

2. Both the Advocates submitted that grievance of both the parties will stand redressed if the water connection which is granted in favour of the petitioner is allowed to be continued for a further period i.e. till making of an enquiry by the respondent-Municipal Council as to the legality or illegality of the construction carried out by the petitioner and no equity will be claimed by the petitioner for retaining the water supply in case the construction is found to be illegal and the water supply as granted subject to the availability of the water and as per the terms and conditions as are applicable under the BPMC Act and rules framed there under. The learned counsel for the petitioner states

that if the above order of concession is passed, he undertakes to withdraw the Contempt Petition No.391 of 1996. In view of the concession given by both the counsel, we pass the following order.

3. The respondent-Municipal Council is hereby directed to continue the water supply subject to enquiry in respect of the building of the petitioner as to whether it is legal or illegal. No equity will be claimed by the petitioner if the construction is found to be illegal. The water supply is granted subject to the availability of the water and as per the terms and conditions as are applicable under the BPMC Act and rules framed there under. The petitioner shall, as per his undertaking, withdraw the contempt petition No.391/1996 within a period of three weeks from today. Accordingly, the Writ Petition stands disposed of.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**